

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**EDWARD C. HUGLER,**

**Plaintiff**

**v.**

**RICARDO SILVA *et al.*,**

**Defendants**

\* \* \* \* \*

**CIVIL NO. JKB-15-3484**

**ORDER**

The Court has considered the motion by Defendants Charles S. Ezrine and State Employee Benefits, Inc. (“SEBI”) (ECF No. 87) for dismissal of the cross-claim for contribution and indemnification filed by Defendant AmeriGuard Security Services, Inc. (ECF No. 82), and has further considered AmeriGuard’s opposition (ECF No. 88) and Ezrine’s and SEBI’s reply (ECF No. 89). No hearing is necessary. Local Rule 105.6 (D. Md. 2016). The motion IS DENIED for the reasons stated in AmeriGuard’s opposition. The Court has previously found AmeriGuard’s cross-claim has a viable legal basis (Mem. & Order Feb. 21, 2017, ECF No. 81), and further finds meritorious AmeriGuard’s contention that its cross-claim for contribution and indemnification appropriately falls within the realm of equitable remedies that may be employed by the Court in this case. Finally, Ezrine’s and SEBI’s argument as to lack of standing by AmeriGuard, made for the first time in its reply, is disregarded by the Court as having been belatedly raised.<sup>1</sup> Ezrine and SEBI SHALL ANSWER the cross-claim in the time accorded by Federal Rule of Civil Procedure 12(a)(4)(A).

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<sup>1</sup> This argument is actually not a “standing” argument in the context of Article III “case or controversy.” Instead, it is a Rule 12(b)(6) argument and does not implicate the Court’s subject-matter jurisdiction. *See Lexmark*

SO ORDERED.

DATED this 11<sup>th</sup> day of May, 2017.

BY THE COURT:

\_\_\_\_\_/s/\_\_\_\_\_  
James K. Bredar  
United States District Judge

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*Int'l Inc. v. Static Control Components, Inc.*, 134 S. Ct. 1377, 1387-88 & n.4 (2014) (finding “statutory standing” rubric inaccurate term within proper legal lexicon).